

**U.S. Department of Justice***United States Attorney
Eastern District of New York*

KTF/KCB/NCG/SMF
F. #2018R01401

271 Cadman Plaza East
Brooklyn, New York 11201

April 23, 2025

By ECF

The Honorable Diane Gujarati
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Cherwitz, et al.
Criminal Docket No. 23-146 (DG)

Dear Judge Gujarati:

The government respectfully submits this letter in opposition to defendant Nicole Daedone's motion to again adjourn trial in the above-captioned case, ECF No. 337, which is presently scheduled to commence on May 5, 2025.

By way of background, the defendants have repeatedly sought to delay this trial. On September 23, 2024, the defendants moved to continue the trial date. See ECF No. 159. On December 30, 2024, the defendants again moved to continue the trial date. See ECF No. 241. In January 2025, on the eve of the then-scheduled trial, defendant Cherwitz asserted a conflict with her then-attorneys, resulting in a delay of the trial on the parties' joint motion. See Jan. 8, 2025 Minute Entry. On January 13, 2025, the Court scheduled jury selection and trial to begin on May 5, 2025. On January 18, 2025, counsel for defendant Cherwitz made another motion to adjourn the trial, which this Court denied. On March 3, 2025, defendant Cherwitz requested that the Court stay the proceedings in this case, which the Court construed to be a request to adjourn the May 5 trial date *sine die*, which the Court again denied. March 5, 2025 Order. Defendant Cherwitz then filed a motion to stay the trial and for a writ of mandamus in the Second Circuit, which the Second Circuit denied.

Notably, in seeking to adjourn the trial in September 2024, defendants' counsel requested a date in April 2025, and in seeking to adjourn the trial in December 2024, defendants' counsel requested to continue the trial for approximately 120 days, which would have resulted in a late April or early May 2025 trial (not July 2025, as defense counsel states)—dates that would have presumably also given rise to the conflict that Daedone's counsel now, belatedly, asserts. See ECF Nos. 159; 241.

